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**THE
CONCLVSION
of the Earle of
STRAFFORDS
DEFENCE.**

The Twelfth of Aprill. 1641.



**Whereunto is added
Mr. PIMME'S SPEECH
THE SAME DAY.**

Printed in the yeare, 1641.

THE
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THE
CONCLVSION

Of the *Earle of Straffords* Defence, the twelfth of April.

1641.

MY LORDS, there yet remaines another Treason, that I should be guilty of; the indeavouring to subvert the fundamentall Lawes of the Land, that they should now be Treason, together, that is not Treason in any one part of Treason accumulative, that so when all will not doe, it is woven vp with others, it should seeme very strange.

Under favour, my *Lords*, I doe not conceive that there is either Statute-Law, nor Common-Law, that doth declare the endeavouring to subvert the fundamentall Lawes to be high Treason.

For neither Statute-Law, nor Common-Law written, that even I could heare of, declareth it so.

And yet I have been diligent to enquire, (as I
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believe you thinke it doth concerne me to doe.)

*It is hard to be questioned for life and honour, upon
a Law that cannot be shewne.*

¶ There is a rule which I have learned from Sir
Edward Cooke, De non apparentibus & non existentibus eadem ratio, (Iesu) where hath this fire laine
all this while, so many hundreds of yeares without
any smoake to discover it, till it thus burst
forth to consume me and my children: extreame
hard in my opinion, that punishment should precede
promulgation, of a Law punished by a Law
subsequent to the Acts done?

Take it into your considerations, for certainly
it is now better to be under no law at all but the
will of men, then to conforme our selves under
the protection of a Law as we thinke, and then be
punished for a crime that doth precede that Law,
what man can be safe, if that be once admitted?

My Lords, it is hard in another respect, that
there should be no token set upon this offence, by
which we should know it, no admonition by which
we should be aware of it.

If a man passe downe the *Thames* in a Boat, and
it be split upon an anchor, and the Boy being set as
a token that there is an anchor there, that partie
that owes the anchor by the *Maritime Lawes*, shall give
satisf-

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satisfaction for the damage done; but if it were marked out, I must come upon my owne perill.

Now where is the marke upon this cryme, where is the token that this is high Treason?

If it be under water and not above water, no humane providence can availe nor prevent my destruction.

Lay aside all humane Wisedome, and let us rest upon divine Revelation, if you will condemne before you forwarne of the danger.

Oh my Lords, may your Lordships be pleased to give that regard unto the Peerage of England, as never to suffer our selves to be put on those vice points, upon such constructive interpretations, and these are where Lawes are not cleare or knowne, if there must be a Triall of wits, I doe most humbly beseech you, the subject and matter may be in somewhat else, then the lives and Honours of Peeres.

My Lords, we finde that in the primitive times, in the progression of the plaine Doctrine of the Apostles; they brought the books of curious Arts, and burned them. And so likewise as I doe conceive, it will be wisdome and providence in your Lordships, for your posterity, and the whole Kingdome, to cast from you into the fire these bloudie and most mysterious Volumes of constructive and.

Arbitrary Treason; and to betake your selves to the plaine Letter of the Law and Statute, that telleth us where the crime is, And by telling what is, and what is not, shewes how to avoid it. And let us not be ambitious, to be more wise and learned in the killing Arts, then our forefathers were.

It is now full 200. and 40. yeeres, since ever any man was touched for this alleaged cryme (to this height) before my selfe, we have lived happily to our selves at home, and we have lived gloriously to the world abroad.

Let us rest contented with that which our Fathers left us, and not awake those sleepy *Lions* to our owne destructions; by raking up a few musty records that have layen so many ages by the walls, quite forgotten and neglected.

May your Lordships be Nobly pleased, to adde this to those other misfortunes befallen me for my sinnes, not for my Treasons; that a precedent should not be derived from me of that disadvantage (as this will be in the consequent to the whole Kingdome) I beseech you seriously to consider it, and let not my particular case be so looked on as you doe; though you wound me in my interest in the Common-wealth, and therefore those Gentlemen say, that they speake for the Common-wealth, yet in this particular I indeed speake for it, and the inconveniences and mischiefes that will heavily fall upon us; for as it is in the 1. of Henry the fourth, no man will after know what to doe, or say, for feare.

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✓ Doe not put (my Lords) so great difficulties upon the Ministers of state, that men of Wisedome, honour, and vertue, may not with chearefulnesse and safety, be employed for the publike, if you weigh and measure them by graines and scruples, the publike affaires of the Kingdome will be layd waste, and no man will meddle with them, that hath honours, issues, or any fortunes to lose.

My Lords, I have now troubled you, longer then I should have done, were it not for the interest of those deare pledges, a Saint in heaven hath left me; I should be loath my Lords, (there he stopped.)

What I forfeit for my selfe it is nothing, but that my indiferection should forfeit for my child, it even woundeth me deepe to the very soule.

You will pardon my infirmity, something I should have said, but I am not able, (and sighed) therefore let it passe.

And now my Lords, I have been by the blessings of Almighty God taught, that the afflictions of this life present, are not to be compared to the eternall weight of glory that shall be revealed to us hereafter.

And so, my Lords, even so with tranquillity of
mind,

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mind, I doe submit my selfe freely and clearely
to your Lordships judgements; and whe-
ther that righteous judgement shall
be to life or death,

*Te Deum Laudamus, te Dominum
Confitemur.*

FINIS.



MASTER
PIMMES SPEECH
TO
THE LORDS IN
PARLIAMENT,

Sitting in Westminster Hall,
the twelfth of Aprill,

1641.



MASTER
PIMMES SPEECH
TO
THE LORDS
IN PARLIAMENT

Delivered in Westminster Hall
on the 10th of April
1841



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MASTER PIMMES

Speech to the Lords in Parliament, sitting in Westminster Hall, the twelfth of April. 1641.

My Lords,



Here hath been much time spent to prove our Charge, and your Lordships have heard my Lord of Straffords defence with as much patience. You have also heard our Evidence summed up whereby we have proved that he hath by trayterous words, Counsels and actions, trayterously endeavoured to subvert the fundamentall Lawes of *England* and *Ireland*, and instead thereof, to introduce an arbitrary and tyrannicall government against Law. This (my Lords) is that poysonous Arrow that hath tainted his Bloud, this is that Cup of deadly wine that hath intoxicated him.

My Lords, It comes to my share to shew you how mischievous an Act of Treason it is by that Law that he hath appealed unto, which is the supreme Law (to wit) publike good, for his Position was this, That *Salus populi*, is *Suprema Lex*. All Lawes are derived from

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this as its Fountaine, and end heere as its proper Center. And those Actions that are opposite to this are against Law.

First, My Lords, It is such an offence as comprehends all offences, such a Treason as comprehends all treasons.

The earth (my Lords) is a Seminary of all flowers, so is this a Seminary of all offences.

My Lords, this Law puts a difference betwixt good and evill; take away the Law (my Lords) and Nature becomes a Law to it selfe. As Pride will be a Law, Lust will be a Law, Rapine a Law, Treason, a law, which Lawes have ruled in *Ireland* ever since my Lord came thither.

Take away the Kings protection from the people, & you take away the peoples allegiance to the King. Prerogative is the bounds of libertie, and (my Lords) they must not contest one against another.

My Lords, I beseech you consider, ye have all under this custodie; and if you take away this, you take away your goods, liberties and lives.

My Lords, he saith, that *Ireland* was a conquered Nation, why? were not all Nations conquered? *England, Wales, &c.*

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The next is this, that it is an offence full of danger to the Kings person and Crown, it nourisheth dissention and tumults in a people. If you consider the histories of the Nations under arbitrary government, you shall find them full of cruelty and bloody Massacres; yea, if you please to peruse our English histories, you shall finde that when Arbitrary government was set up, how many Kings fell by cruell & bloody hands, which is fearefull to relate.

Thirdly, my Lords, It is dangerous to the King, First, in respect of his honour, Secondly, in respect of his profit, & Thirdly, in respect of his greatnesse: yet all these have beene put on upon the face of this treason as so many vizards, can it be (my Lords) for the Kings honour, to have his Ministers to lay al the fault upon the King: To kill, to imprison, to use Rapine, to levie warre against his people, and to ruine the State, and then all these dishonourable acts to be layd on the King: Is this for the Kings honour?

Secondly, it is contrary to his profit, for if there be not an affectionate supply from the people to the King, hee can never grow in his revenue.

Nay; this (my Lords) is the Kings most certaine Revenue, that issues from the affection of his people; for other Revenue, as Lands, or the like, are subject to many Inconveniencies, to many substractions and pensions, but this is free and wholly to himselfe, these fourteene yeares past, since there hath beene an

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unhappy cessation of Parliamentary proceedings, the King hath had lesse revenue, & it doth him lesse good.

Nay, there hath beene more wanting to the King, than many yeares before. Againe, it is unprofitable, and that is worse, for the King lost by it, for it hath cost him these two yeares more than it cost *Queene Elizabeth* in all her warres in *Ireland* and *Spaine*, yea, (I feare) more than is to be repayred in an age.

Thirdly, in point of greatnesse, the World is a societie of Kingdomes, and it is, not enough for a King to be great at home, but to equall his fellow Princes abroad: Nay to be above them in honour and Majesty, in Riches and glory.

But my Lords these Counsels of late that have bin given his Majesty, have rendred him contemptible to his enemies, uselesse to his distressed friends, and had they not beene prevented, in time would have made him incapable of any designe at home or abroad.

A fourth Consideration is this, my Lords, it is destructive to wealth and valour; it corrupts our peace, and in peace, makes us have the malignities of warre, and for wealth, who will venture his goods, life, his libertie in the way of trading and Commerce, when he knowes not upon the returne of it, whether it be his owne or not.

Nay, my Lords, it imbaseth the spirits, and valour
of a

of a Nation, when they must stand in feare of pilloring, scaffolding, and the like punishments, it makes men to be of base spirits.

Now my Lords, to imbase the Kings Coyne, if it be but fixe pence, or twelve pence, 'tis treason by the Law, and a man must die for it: what is it then to imbase our spirits, my Lords: truly it is a matter of great importance.

Fifthly it doth disable the King, and makes him unfit to deale with forraigne enemies, for every one thinkes to slip his necke out of the Collar, when he shall be forced to it.

The sixt Consideration is, that it is against the Covenant betwixt the King and his people.

Before my Lords I spoke of a Legall Oath, but now I speake of a personall, for we sweare our allegiance to him, and he the maintenance of our Lawes to us: he is our husband, and we his wife; he is our Father, and we his children: he is to maintaine our liberties, and we his Dignities, and our duties.

And my Lords, *Justice Thorpe* was condemned and executed, for breaking the Kings Oath: My Lords, he broke not his owne oath, nor did the King breake his oath, and yet for violating that oath, that the King had taken to his Subjects, he suffered.

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Ah what an unfortunate man then is the Prisoner
at the Barre, that hath in all his Counsels, in all his
words, in all his actions, broken the Kings Oath,
and as much as in him lay, violently perswaded the
King to countenance him in all his actions :

The seventh consideration is this my Lords, it is
against the end of government, for the end of govern-
ment is to preserve men in their estates, lives, and li-
berties, but an Arbitrary power destroyes all this: the
end of government is to advance vertue and good-
nesse, and to punish vice: but this cherisheth all disorder.

Now my Lords, I come to shew the vanitie of his
excuses, that he hath made for himselfe.

The first is the libertie of giving Counsell, being
a Counsellor, true my Lords, he hath this liberty, but
its bounded within its lists, & it must be such a Coun-
sell as must stand with the sacred Majesty, & the pro-
sperity and weale of his Subjects, for if Counsell be
bad, it poysons the Consciences of Princes, it infects
their cares, for all Government proceeds from the
Prince, as from a Fountaine; now if the fountaine be
poysoned, how can the streames be free?

A second shift is, that hee hopes your Lordships
will be carefull to secure your posteritie, and not to
admit of this as Treason.

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My Lords, I know your Lordships will, be carefull to secure your selves, but by your vertues, not by your vices.

The third excuse is, the goodnesse of his intentions: truly, my Lords, good and evill lye close together, not easily to be discerned, if they be naturall corruptions, but for Murthers, Adultery, Rapines, and Treasons, these are so monstrous, that they may easily be distinguished.

And I cannot be perswaded that ever hee intended well, that acted so ill.

The fourth excuse is the Kings necessities.

My Lords this necessity came from his owne counsels.

A fifth excuse is, that it was for the Kings honour, and the maintenance of the Kings power.

My Lords, it hath beene declared unto you, that the Kings power doth not extend to any thing against Law, by which hee hath sworne to rule us, and to maintaine our Liberties and priviledges for us, and this hath beene declared by five Parliaments, and also will appeare in the case of the Pition of Right; and in the case of Ship-money.

A sixt is, that hee advised the King to doe it with
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moderation and reparation.

My Lords this is a contradiction, for there can be no reparation for this.

The seventh excuse is, that no horrid facts did follow his Counsels: truly my Lords we thanke God, his sacred Majesty, and his wise Counsell for that, or else God knowes what fearefull things would have befallen us, nor are we free from it as yet.

To conclude, now my Lords, give me leave to entreate you to consider the Treasons ordinarily practised, when the act is done, they cease as in killing that noble King of *France*, and the severall plots against Queene *Elizabeth*, but this treason of my Lord of *Straffords*, is a standing treason, which when it had beene done, it had been permanent from generation to generation.

And now my Lords, these Lawes that hee would have overthrown, must now be his Iudges, and hee is to be judg'd by Law, and that law will have marke enough of it to describe it, for it is a Law against such as breake the fundamentall Law of the Kingdome.

And my Lords give me leave to informe you that under favour this is not to make a new way for bloud, nor is the crime of Treason in my Lord of *Strafford* the lesse, because none would venture upon such a horrid Treason, in two hundred and forty yeares.

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But my Lords, for the making of our Charge
good by Law, as wee have fully
proved it by Testimony, we must
resort to Counsell with the
house of Commons;
and trust to your
Lordships Iu-
stice.

F I N I S.
